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ORDINANCE NO. 48-384

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2009-00018

Zone change request from SF-5 Single-family Residential to GO General Office on property described as:

Lots 25, 26, 27 and 28, Block 2, Moorings Plaza III Addition, an addition to Wichita, Sedgwick County, Kansas.

Zone change request from Sf-5 Single-family Residential to MF-18 Multi-family Residential on property described as:

Lot 1, Block 1, Lots 1-11, inclusive Lots 12-16, inclusive, Block 2, Moorings Plaza III Addition, an addition to Wichita, Sedgwick County, Kansas.

Generally located north of 45th Street North (extended) west of Meridian.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY PROVISIONS #234:

Protective Overlay Provisions for the GO General Office (“GO”) parcel

1.) Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.

2.) Landscaping for this parcel shall be required as follows:

- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.

- 3.) Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:

Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential (“MF-18”) parcel

- 1.) Architectural Controls:

Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material.
- 2.) Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
- 3.) Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.

- B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
- C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.

6.) Building Height:

Shall be as per SF-5 Single-family Zoning District

7.) Use Restrictions:

No asphalt or concrete plant limited.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 28th day of July, 2009.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Sharon Dickgrafe, Interim City Attorney